UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,182	01/23/2004	Daniel Sundman	004410.P010	7850

7590 08/31/2006	**EXAMINER**
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ART UNIT	PAPER NUMBER
2161	

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/764,182	SUNDMAN ET AL.
	Examiner	Art Unit	
	CamLinh Nguyen	2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>*23 January 2004*</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-32* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>*23 January 2004*</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some *   c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date <u>*7/23/04*</u>.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

DETAILED ACTION

1.   This Office Action is response to communication filed on 1/23/2004.

2.   Claims 1 – 32 are currently pending for further processing.

Information Disclosure Statement

3.   The information disclosure statement (IDS) submitted on 7/23/2004 is in compliance

with the provisions of 37 CFR 1.97, 1.98, and MPEP §600. Accordingly, the information

disclosure statement has been placed in the application file and is being considered by the

examiner.

Double Patenting

4.   The nonstatutory double patenting rejection is based on a judicially created doctrine
grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or
improper timewise extension of the "right to exclude" granted by a patent and to prevent possible
harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection
is appropriate where the conflicting claims are not identical, but at least one examined
application claim is not patentably distinct from the reference claim(s) because the examined
application claim is either anticipated by, or would have been obvious over, the reference
claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re
Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225
USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re
Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163
USPQ 644 (CCPA 1969).
        A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may
be used to overcome an actual or provisional rejection based on a nonstatutory double patenting
ground provided the conflicting application or patent either is shown to be commonly owned
with this application, or claims an invention made as a result of activities undertaken within the
scope of a joint research agreement.
        Effective January 1, 1994, a registered attorney or agent of record may sign a terminal
disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR
3.73(b).

5.   Claims 1 – 32 are provisionally rejected on the ground of nonstatutory obviousness-type

double patenting as being unpatentable over claims 1 - 33 of copending Application No.

10/763,880.

This is a <u>provisional</u> obviousness-type double patenting rejection because the conflicting

claims have not in fact been patented.

The following table shows some claims in '182 that are rejected by corresponding claims

in '880

<u>Claims Comparison Table:</u>

	'182	'880
Claims	1	1
	2	2
	3	16
	4	17
	5	15

Although the conflicting claims are not identical, they are not patentably distinct from each other

because it would have been *prima facie* obvious to one with ordinary skill in the art at the time

the invention was made to replace the query access as claimed in the instant application with the

template as in '880, and it would have been *prima facie* obvious to one with ordinary skill in the

art at the time the invention was made to broaden the claim without further cost for the

Applicant.

Claim Rejections - 35 USC § 102

6.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
> in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
> patent by another filed in the United States before the invention by the applicant for patent, except that an
> international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
> subsection of an application filed in the United States only if the international application designated the United
> States and was published under Article 21(2) of such treaty in the English language.

7.   Claims 1 – 32 are rejected under 35 U.S.C. 102(e) as being anticipated by Bhatt et al

(U.S. 2004/0252121 A1).

♦ As per claims 1, 17, 25, 30

Bhatt discloses a method/ system/ apparatus comprising:

- " A query engine" (Fig. 5, element 15 of Bhatt) to " Receiving a data access query that

  combines a structured query language (SQL) statement with output related characteristics

  of an output data chart, the data access query being provided by a first user" See Fig. 12,

  page 6, paragraph 0064 of Bhatt. In particular:

  - "A data access query" corresponds to "a database query" (page 6, paragraph 0064

    of Bhatt).

  - A structured query language (SQL) (See page 8, paragraph 0075 of Bhatt).

  - Output related characteristics of an output data chart (Fig. 12, page 6, paragraph

    0064 of Bhatt).

  - "The data access query being provided by a first user" corresponds to the user that

    provided the query at the design time (Fig. 12 of Bhatt).

- " Building the output data chart for a second user using the data access query" See Fig.

  10, and 12 of Bhatt. Bhatt teaches that the predefined chart is created and stored in the

database (Fig. 12) and a second user (the user at run time in Fig. 10) would retrieve the

predefined chart using the database query associated with the chart (Fig. 10).

♦ As per claims 2, 18, 26, 31, Bhatt discloses:

- " Wherein the first user is familiar with a database model of a database being queried and

  the second user is not familiar with the database model of the database being queried".

  There are different users in the Bhatt system, one is for design time and one is for run

  time. Therefore, the user in the design time must be familiar with the data model and the

  second user (run time) does not have to be familiar with the database model.

♦ As per claims 3, 19, 27, 32, Bhatt discloses:

- " Wherein the output data chart is one selected from the group consisting of a graph and a

  grid" See Fig. 1 – 4, paragraphs 0021 – 0025 of Bhatt.

♦ As per claims 4, 20, 28, Bhatt discloses:

- " Wherein the output related characteristics are selected from the group consisting of one

  or more dimension elements of the output data chart ... data chart" See Fig. 1 – 4,

  paragraphs 0021 – 0025 of Bhatt.

♦ As per claims 5, 21, 29, Bhatt discloses:

- " Wherein the data access query provides associations between database elements

  contained in the data access query with corresponding output related characteristics".

  Because the query specifies the output related characteristics that stored in the database

  elements, the data access query (database query) must provides associations between

  database elements contained in the data access query with corresponding output related

  characteristics.

♦ As per claims 6, Bhatt discloses:

- " Further comprising providing an access query user interface to assist the first user"

corresponds to the interface that allows the user to create the chart (See Fig. 5 – 9,

paragraph 0034 of Bhatt).

♦ As per claims 7, 22, Bhatt discloses:

- " Extracting an SQL query ... syntax" See Fig. 10, 12, paragraphs 0056 – 0057.

♦ As per claims 8 - 12, 23 – 24, Bhatt discloses:

The limitations of these claims have been noted in the rejection of the above claims.

Determine and create a particular chart based on user input (Fig. 6- 9, 12 of Bhatt), they are

therefore, rejected as set forth above.

♦ As per claim 13, Bhatt discloses:

- " Making the output data chart available for integration into a personalized web page of

the second user" See Fig. 5, paragraph 0030 wherein the client device can be a mobile

device.

♦ As per claim 14, Bhatt discloses:

- " Restricting access to the output data chart to employee of a certain business division"

See Fig. 5, wherein the user must login and enter the password in order to access the

server through the network 20. Therefore, the system must restrict the access to the

output data chart to employee of a certain business division.

♦ As per claims 15 - 16, Bhatt discloses:

- These limitations are disclosed in Fig. 6, Fig. 12, and paragraph 0046 of Bhatt.

Conclusion

8.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

- Jerry Jackson (U.S. 5,894,311) discloses a computer-based visual data evaluation.

- Norman Gilmore (U.S. 2004/0181378 A1) discloses a financial modeling and forecasting

  system.

- Kolton et al (U.S. 5,414,838) discloses a system for extracting historical market

  information with condition and attributed windows.

- Meyer Alvin Billmers (U.S. 6,226,630 B1) discloses a method and apparatus for filtering

  incoming information using a search engine and stored queries defining user folders.

- Boyer et al (U.S. 5,797,136) discloses optional quantifiers in relational and object-

  oriented views of database systems.

9.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to CamLinh Nguyen whose telephone number is (571) 272 - 4024.

The examiner can normally be reached on Monday-Friday.

    If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jeffrey Gaffin can be reached on (571) 272 - 4146. The fax phone number for the

organization where this application or proceeding is assigned is 571 – 273 - 8300.

　　　　Information regarding the status of an application may be obtained from the Patent

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applications is available through Private PAIR only.　For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nguyen, Cam-Linh

Art Unit 2161

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